IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISCELLANEOUS APPLICATION NO.178 OF 2005

John Fernandes, Vasco Da Gama ... Applicant.

V e r s u s

The Goa Times and 2 ors. ...Respondents.

Mr. Nitin Sardesai, Advocate for the Applicant.

Mr. Thalmann P. Pereira, Advocate for the Respondents.

CORAM : N. A. BRITTO,J

DATE : 27th October, 2005

P.C.

Heard Shri Nitin Sardesai, the learned Advocate on behalf of the applicant/complainant and Shri Thalmann Pereira, the learned Counsel on behalf of the respondents/accused in C.C. no.49/B/2001. The complainant has sought special leave to appeal against accused no.2 Baburao Revankar and accused no.3 Ulhas S. Gosalkar. The former was shown to be the Editor of the Goa Times and the latter as the Editor/Publisher of the said Goa Times. However, in the course of the trial the complainant was unable to show that accused no.2 Baburao Revankar was the Chief Editor of the said Goa Times and when it was pointed out

that accused no.2 Baburao Revankar had pleaded in the said civil suit that he was only an employee of the Goa Times designated as Chief Reporter, the complainant was unable to say anything as regards the same. Admittedly, the said editions did not on their face show that A-2 Baburao Revankar was in any way concerned with the said news report and in such a situation the complainant could have no grievance about the acquittal of A-2 Baburao Revankar under Section 500 r/w.34 I.P.C. However, as far as A-3 Ulhas Gosalkar is concerned, there is no dispute that he is the Editor, Printer as well as Publisher of the said Goa Times and as such his name was printed on the said editions as required under Section 7 of Press and Registration of Books Act, 1867 and as such the liability whether civil or criminal in case of defamatory articles would be that of A-3 Ulhas S. Gosalkar alone. As far as the merits of the case are concerned, the same require consideration. Hence special leave to appeal against A-3 Ulhas Shantaram Gosalkar is hereby granted as an Editor, Printer and Publisher of the said Goa Times. Special leave as against A-2 Baburao Revankar is hereby refused. Appeal shall be registered against A-3 Shri Ulhas S. Gosalkar alone. Upon registration, action under Section 390 Cr.P.C. to be taken by the learned J.M.F.C., Vasco-da-Gama. The complainant is directed

to file authorised translation of the said defamatory articles.

N. A. BRITTO, J

/vpf.